



CANADA ELECTIONS ACT

**INSTRUCTIONS FOR
URBAN ENUMERATORS**

APPLICABLE ONLY AT BY-ELECTIONS

Book J

(Published by the Chief Electoral Officer)

JANUARY 1, 1956

EDMOND CLOUTIER, C.M.G., O.A., D.S.P., OTTAWA, 1956
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY

Price, 10 cents. To be obtained on application to the Queen's Printer, Ottawa.

CAI
E6
-J27



CANADA

CANADA ELECTIONS ACT

INSTRUCTIONS

FOR

URBAN ENUMERATORS

APPLICABLE ONLY AT BY-ELECTIONS

BOOK J

(Published by the Chief Electoral Officer)

January 1, 1956

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1956.

TABLE OF CONTENTS

INSTRUCTIONS FOR URBAN ENUMERATORS—	PAGE
1. Introductory.....	5
2. Diary of Duties of Urban Enumerators.....	6
3. Urban Enumeration.....	9
4. Qualifications and Disqualifications of Electors at a By-Election.....	15
5. Ordinary Residence of Electors.....	17
6. Completion of Preliminary Geographical Lists.....	19
7. Completion of Preliminary Alphabetical Lists.....	21
8. Final Duties.....	23
9. List of Supplies No. Two—Forms, etc., for use by Urban Enumerators....	25
10. Statement relating to Canadian Citizens and British Subjects.....	26

Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

INSTRUCTIONS FOR URBAN ENUMERATORS

1. INTRODUCTORY

1. General Observations.—The order of the paragraphs in these Instructions follows roughly the chronological order in which the various duties are to be performed by urban enumerators, and every step in the prescribed procedure is intended to be covered. The provisions of the Statute dealing with the preparation of preliminary lists by urban enumerators, are not so framed as to be readily understood by persons without a legal training, and most urban enumerators come within this category. In these Instructions, therefore, an attempt has been made to state in as simple language as possible all the duties and responsibilities under the Statute of each urban enumerator, supplementing the directions of the Statute where supplement is deemed necessary, and warning against errors into which urban enumerators might more or less easily be led. Following this paragraph will be found a Diary of Duties of urban enumerators upon which, in the column provided for that purpose, they should, before the commencement of the enumeration, insert the dates of the month upon which the various duties are to be performed. These entries will doubtless be found of great convenience as a guide to an exact compliance with the prescribed procedure. Moreover, each urban enumerator is reminded that it will be of some assistance to him if a check mark is inserted in the appropriate column of the Diary opposite every item of duty, as soon as such item of duty is completed. By referring to the Diary of Duties and to the paragraphs of these Instructions mentioned opposite each item of duty, every enumerator should be able to do properly all that is required of him. As in the case of other qualified electors, persons appointed urban enumerators are entitled to vote at a by-election. The hours of the day mentioned in these Instructions relate to standard time.

2. DIARY OF DUTIES OF URBAN ENUMERATORS

Note.—The enumeration will commence on Monday, the 35th day before polling day, and will end on the following Thursday. The dates of the month will be notified in writing to the enumerators by the returning officer.

Dates of the month	Paragraph of Instructions	Duties	Check when done
		I. ON APPOINTMENT:	
	5(1)	1. Swear oath of office (Form 6)	
	5(1)	2. Transmit such oath to returning officer and keep official appointment (Form 5).	
	5(2)	3. Get acquainted with fellow enumerator	
	5 (2-4)	4. See that necessary supplies and description of boundaries of polling division have been received.	
	5(2)	5. Check supplies with fellow enumerator against paragraph 5 and List of Supplies No. Two printed at page 25.	
	5(2)	6. Notify returning officer of any deficiency in supplies.	
	5(4)	7. Study with fellow enumerator the description of the boundaries of polling division.	
	3(3)	8. Study carefully these Instructions (Book J) and the Urban Enumerators' Manual (Book I).	
	1	9. Insert dates of the month in this Diary	
		II. BETWEEN MONDAY, THE 35th DAY, AND THURSDAY, THE 32nd DAY, BEFORE POLLING DAY:	
	3(3)	1. Study these Instructions, particularly paragraphs 9 to 14 which deal with qualifications and dis-qualifications of electors at a by-election.	
	8(1)	2. Fill in some of the spaces on several sets of Notice in record books (Form 7).	
	6(1)	3. Make house-to-house visits TOGETHER from 9 a.m. to 6 p.m. and 7 p.m. to 10 p.m.	
	6(2)	4. When unable to contact anyone at any dwelling place from whom the necessary information can be obtained, leave a duly completed notification card (Form 99).	
	6,9-14	5. Make careful inquiries in each individual dwelling place as to every possible qualified elector.	
	8(5)	6. When satisfied as to the qualification of any elector, prepare and deliver a Notice (Sheet A in record book) after it has been signed by both enumerators.	
	7	7. Make sure that every individual dwelling place in polling division is enumerated.	
	5(4), 7	8. Make sure that no enumerating is done outside of applicable polling division.	
	3(1), 8(6)	9. Report disagreement, if any, to returning officer	

DIARY OF DUTIES OF URBAN ENUMERATORS—Continued

Dates of the month	Paragraph of Instructions	Duties	Check when done
		III. ON THE EVENING OF THURSDAY, THE 32nd DAY BEFORE POLLING DAY:	
		(a) PROCEDURE TO BE FOLLOWED IN PREPARING PRELIMINARY LIST IN GEOGRAPHICAL ORDER:	
	15(2)	1. Cease inquiries.....	
	15(3)	2. Detach Sheets B (printed in red) from record books (Form 7).	
	16(1)	3. Study specimen geographical list (Form 103).....	
	15(3)	4. Arrange detached Sheets B in geographical order according to street, road, or avenue, using specimen list (Form 103) as a guide.	
	15(3)	5. Arrange the numbers of each street, road, or avenue appearing on detached Sheets B from lowest to highest, as indicated on specimen list (Form 103).	
	15(3)	6. Fasten, in groups, street by street, the detached Sheets B.	
	15(4)	7. Check carefully to ensure that no detachable Sheets B have been overlooked or mislaid.	
	16(1)	8. Prepare draft geographical list on large sheets (Form 8), as indicated on specimen list (Form 103).	
	16(2)	9. Fill in spaces at top of first large sheet (Form 8) used in preparing draft geographical list.	
	16(3)	10. Insert, on draft geographical list, the names, addresses, and occupations of enumerated electors arranged in geographical groups, as indicated on specimen list (Form 103).	
	16(4)	11. Arrange in alphabetical order on draft geographical list every street, road, or avenue given as the addresses of electors enumerated in polling division.	
	16(5)	12. Make sure that a consecutive number is given to the name of each elector on draft geographical list.	
	16(6)	13. Check entries on draft geographical list against the undetachable Sheets C in record books.	
		(b) PROCEDURE TO BE FOLLOWED IN PREPARING PRELIMINARY LIST IN ALPHABETICAL ORDER:	
	17(2)	1. Cease inquiries.....	
	17(3)	2. Detach Sheets B (printed in red) from record books (Form 7).	
	17(1)	3. Study specimen alphabetical list (Form 156).....	
	17(3)	4. Arrange detached Sheets B in alphabetical order according to the initial letter of the surnames of electors, as indicated on specimen list (Form 156).	
	17(4)	5. Check carefully to ensure that no detachable Sheets B have been overlooked or mislaid.	
	17(3)	6. Fasten, in groups, the detached Sheets B, each group representing a letter of the alphabet.	

DIARY OF DUTIES OF URBAN ENUMERATORS—Concluded

Dates of the month	Paragraph of Instructions	Duties	Check when done
		(b) PROCEDURE TO BE FOLLOWED IN PREPARING PRELIMINARY LIST IN ALPHABETICAL ORDER:— <i>Conc.</i>	
	18(1)	7. Prepare draft alphabetical list on large sheets (Form 161), as indicated on specimen list (Form 156).	
	18(2)	8. Fill in spaces at top of first large sheet (Form 161) used in preparing draft alphabetical list.	
	18(3)	9. Insert names, addresses, and occupations of enumerated electors in alphabetical order on draft alphabetical list, as indicated on specimen list (Form 156).	
	18(4)	10. Make sure that a consecutive number is given to the name of each elector on draft alphabetical list.	
	18(5)	11. Check entries on draft alphabetical list against the undetachable Sheets C in record books.	
		IV. AT THE LATEST ON FRIDAY, THE 31st DAY BEFORE POLLING DAY:	
	19	1. Prepare three copies of preliminary list from draft list.	
	19	2. Severally subscribe oath (Form 9) on last page of each completed preliminary list.	
	19	3. Score out with diagonal line the unused blank portion, if any, of the last large sheet (Form 8 or 161) used in completing each copy of the preliminary list.	
	21	4. Prepare urban enumerators' account (Form 109).....	
	20	5. Transmit or deliver, in large cardboard envelope (Form 126), the following to returning officer: (a) two copies of preliminary list; (b) the used record books; (c) the detached pages (Sheets B) arranged in groups; (d) the unused supplies; (e) the enumerators' badges; and (f) the completed account (Form 109).	
	20	6. Place one copy of preliminary list in cardboard cover (Form 163).	
	20	7. Post up preliminary list (in cover) in a conspicuous place in polling division.	
		V. AFTER POLLING DAY:	
	20	1. Take down and destroy preliminary list and cardboard cover posted up.	

3. URBAN ENUMERATION

2. Channels of Communication.—Urban enumerators will receive their instructions from, and make their reports to, the returning officer by whom they were appointed and will also send to him their accounts for services. These accounts will be paid by separate cheque sent from Ottawa to each individual urban enumerator, but no remittances will be made except on accounts certified by the returning officer. Urban enumerators' accounts will not be paid until after the sittings of the revising officer have been held. Inquiries as to the payment of accounts should be made either to the returning officer or to the Chief Electoral Officer. Urban enumerators who have any suggestions to make with regard to any errors in, or omissions from, these Instructions, or any suggestions for the improvement of the enumeration procedure, may forward them to the Chief Electoral Officer.

3. Urban Enumerators' Functions, etc.—(1) Each urban enumerator must be qualified as an elector at the by-election. The two enumerators appointed for an urban polling division will, in relation to every process of the preparation of their preliminary list, act JOINTLY and not individually. They will report forthwith to the returning officer the fact and the details of any disagreement arising between them. The returning officer will decide the matter of difference and communicate his decision to the enumerators. They are bound to accept and apply such decision as if it had been originally their own. An urban enumerator may not act for more than one polling division.

(2) The duties of urban enumerators are most important since each pair is entrusted with the preparation of a preliminary list of the names of the electors who are entitled to vote at the by-election in the polling division for which they have been appointed. The lists of electors for urban polling divisions are "closed lists" which generally means that unless an elector's name is entered by the enumerators on the preliminary list for the polling division in which he is entitled to vote, such elector will not be able to exercise his franchise at the by-election. The fact that the preliminary list will be subject to revision at a later stage is no guarantee that the official list will then be complete in every respect, since the experience of past elections has shown that only a small percentage of electors, whose names have been omitted from the preliminary lists by the enumerators, are willing to take the trouble of appearing before the revising officer to have their names, etc., added to the official lists. The preliminary list as prepared by each pair of enumerators is generally the list used for the taking of the votes on polling day. Therefore, it is of the utmost importance that the preliminary list be as complete and accurate as possible. Otherwise, some qualified electors will lose their franchise or the names of disqualified persons will appear on the official list.

(3) Before beginning their inquiries, the enumerators are requested to study this book of Instructions for Urban Enumerators, which contains as complete and detailed directions as it

was possible to prepare on the subject of the various duties and responsibilities of each pair of urban enumerators. The whole book should be carefully studied by each enumerator, particularly paragraphs 9 to 14 which deal with qualifications and disqualifications of electors at a by-election. Enumerators should be well acquainted with such directions before starting out to make their house-to-house visits. The enumerators are also required to read carefully the Urban Enumerators' Manual (Book I).

Date of issue
of writ.

(4) A very important detail with which each pair of enumerators should be thoroughly familiar is the date of the issue of the writ ordering the by-election. This essential date will be notified to the enumerators by the returning officer in the letter (Form 125) covering their appointment and other particulars relating to the enumeration. The residence qualifications of the electors who will be registered on the preliminary list by each pair of enumerators hinge principally on whether or not such electors were ordinarily residing in the enumerators' polling division on the date of the issue of such writ, and it is, therefore, of the utmost importance that the enumerators be well acquainted with that date.

Removal by
returning
officer.

4. Replacing Urban Enumerators.—The returning officer may at any time replace any urban enumerator by appointing another enumerator to act in the place and stead of the person already appointed, and an enumerator so replaced will, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any documents, papers, and written information which he has obtained for the purpose of the performance of his duties. On default, the enumerator is liable to a severe penalty.

Appointment
and oath
of office.

5. Oaths of Office, Supplies, etc.—(1) As soon as possible after a by-election has been ordered, the returning officer will transmit to each urban enumerator his official appointment (Form 5) to which a form of oath of office (Form 6) is attached. This will be sent with a covering letter (Form 125) informing the enumerators of the date of the issue of the writ, the date fixed as polling day at the by-election, the dates upon which the enumeration must commence and end, and the date upon which two copies of the preliminary list must be transmitted to the returning officer. Immediately upon receipt of his appointment, each enumerator will swear his oath of office (Form 6), detach it from the form of appointment (Form 5), and transmit or deliver such oath to the returning officer. The official appointment (Form 5) must remain in the possession of the enumerator. An urban enumerator may swear his oath of office before the returning officer, the election clerk, any justice of the peace, any magistrate, any notary public, any commissioner for taking affidavits in the province, or any postmaster. All oaths taken by enumerators are administered gratuitously. Urban enumerators are warned that no action will be taken towards the settlement of their accounts, unless their oaths of office have been received by the returning officer. If, before or after the receipt of his official appointment, the enumerator finds that he is unable to act, he must notify the returning officer immediately.

(2) Each enumerator will see that he or his fellow enumerator ^{Supplies.} has received the proper supplies and forms as set out in List of Supplies No. Two printed at page 25, and if there is any deficiency, the returning officer will be promptly notified. The returning officer will furnish each pair of enumerators with two copies of these Instructions (Book J) and two copies of the Urban Enumerators' Manual (Book I), together with the necessary number of record books (Form 7). Each record book contains a sufficient number of sets of notices for the enumeration of 50 electors. The required number of large sheets (Form 8 or 161) will also be supplied. About 15 copies of either of these sheets for every 100 electors will be needed to prepare the draft list and to make the necessary number of copies of the preliminary list. The returning officer will also furnish each pair of enumerators with two copies of a specimen preliminary list (Form 103 or 156), one account form (Form 109), one cardboard cover (Form 163) for the posting up of the preliminary list, and a sufficient number of notification cards (Form 99). These supplies, together with the covering letter (Form 125) mentioned in the preceding subparagraph, will be enclosed in a large cardboard envelope (Form 126). The returning officer will decide which of the two enumerators is to have the custody of the above-mentioned supplies. Each pair of enumerators will provide at their expense the necessary ink, pens, and pencils required in the performance of their duties.

(3) Each urban enumerator will be supplied with a badge ^{Special badge.} which will be worn and prominently displayed during the house-to-house visits as evidence of his authority to register the names of the electors. Urban enumerators are requested to take special care of these badges since a severe penalty is prescribed against the wearing of such badges by unauthorized persons, and against the wearing of such badges by the enumerators themselves when not actually engaged in making inquiries in connection with the preparation of their preliminary lists. A severe penalty is also prescribed against any person wearing a badge purporting to be an enumerator's badge. Each enumerator's badge bears a serial number and a record of its issue will be kept by the returning officer. After the enumeration, these badges must be transmitted to the returning officer with the two copies of the preliminary list and other documents, as directed in paragraph 20.

(4) Attached to the covering letter (Form 125), the returning officer will transmit to each pair of enumerators an exact description of the area included in the polling division for which they are to act and each enumerator should thoroughly familiarize himself with the boundaries of that area, since his functions must be strictly confined to it. If the enumerators have any doubt as to the exact boundaries of their polling division, they should at once take up the matter with the returning officer. ^{Boundaries of polling division.}

6. Visits and Inquiries.—(1) Beginning on Monday, the 35th day before polling day at the by-election, it is the duty of each pair of enumerators to prepare a complete list of the names of the electors entitled to vote at such by-election in the polling division for which they have been appointed. For the purpose of performing this duty, the Statute requires them ^{House-to-house visits.}

to visit, TOGETHER, every individual dwelling place in their polling division twice, once between nine o'clock in the morning and six o'clock in the evening, and once between seven and ten o'clock in the evening, unless after the first visit they are both certain that no qualified elector remains unregistered. On such visits, the enumerators will ascertain by personal inquiry what persons are qualified as electors at the by-election.

Issue of
notification
cards.

(2) If, on the above-mentioned visits to any dwelling place, the enumerators are unable to contact any adult person from whom they could secure the names and particulars of the qualified electors residing therein, the enumerators will leave at such dwelling place a notification card (Form 99) on which will be stated the day and hour that the enumerators will make another visit at such dwelling place. The enumerators will also state on such notification card their names, addresses, and telephone number, if any, of one or of both of them.

How
inquiries
are made.

(3) At each individual dwelling place (for example, at a house or at an apartment), the enumerators will ascertain how many persons living in it

- (a) are twenty-one years of age, or will attain such age on or before polling day at the by-election;
- (b) are Canadian citizens or other British subjects;
- (c) were ordinarily resident in the polling division on the date of the issue of the writ ordering the by-election and have continued to be ordinarily resident in the electoral district since that date;
- (d) have ordinarily resided in Canada for the twelve months immediately preceding the said polling day; and
- (e) are not disqualified from voting at the by-election under any of the provisions of paragraphs 9 to 14.

The exact names (not necessarily in full: initials will be sufficient), so far as procurable, of such persons as fulfil all the required conditions, will then be registered, as indicated in paragraph 8.

Procedure
when
electors are
temporarily
absent from
home.

(4) In a dwelling place at which, although it appears to be lived in, the enumerators were unable, after visits made following the delivery of a notification card, to find anyone at home, the necessary information may be obtained from neighbours or perhaps from a telephone directory or other like source of information. When trustworthy information cannot be obtained with respect to the occupants of a dwelling place, no person's name will be entered as a qualified elector residing in such dwelling place. While second-hand information is not always unacceptable, it should be relied upon only when it is of such a character as to seem trustworthy.

Penalty for
obstructing
enumerators.

(5) The Statute prescribes that a person who impedes or obstructs the enumerators in the performance of their duties is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$10 and not more than \$50.

Precau-
tionary
measures.

7. Liability of Urban Enumerators.—Each pair of enumerators will make sure that the preliminary list for the polling division for which they have been appointed is as complete and correct as possible. During the four days fixed for the enumera-

tion, they will take all necessary steps to secure the information required. If it is necessary for the enumerators to visit a dwelling place several times in order to obtain the particulars of the electors who reside therein, they will do so. Any laxity on the part of a pair of enumerators will usually result in some qualified elector losing his right to vote at the by-election. The Statute prescribes stringent penalties for any enumerator who fails to discharge his duties in a satisfactory manner. An enumerator who wilfully omits from his preliminary list any person entitled to have his name entered thereon, or, wilfully and without reasonable excuse, enters on such list the name of any person who is not entitled to be registered thereon, will, in addition to any other punishment or consequence to which he may be liable, forfeit his right to payment for his services. The returning officer will carefully examine each preliminary list as it is received, and if it appears to be incomplete or appears to be padded with the names of disqualified or fictitious persons, he will not certify the enumerators' account but will send it uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts. Moreover, no cheque will be issued in payment of any urban enumerator's account until after the sittings of the revising officer have been held, and it is the duty of the revising officer to inform the Chief Electoral Officer, forthwith after his sittings for revision, if, in his opinion, any enumerator has wilfully omitted any names of qualified electors from his preliminary list, or wilfully included therein any names of disqualified or fictitious persons. In addition to the penalties above referred to, enumerators will bear in mind that they are required to swear to the correctness of their preliminary list, and that action may be taken against them for perjury on the grounds that they have sworn to a preliminary list which has been padded with fictitious names or from which wilful omissions have been made.

3. Recording Information Obtained.—(1) The urban enumerators will assume that the name, address, and occupation of every adult person in the dwelling place visited should be included in their preliminary list, unless such person is disqualified from voting under the provisions of paragraphs 9 to 14. Only one record book (Form 7) will be used at a time by each pair of enumerators. Before the commencement of their house-to-house visits, there is no harm in the enumerators' filling in the spaces provided for the name of the electoral district, the name of the city or town, and the number of the polling division, on a large number of sets of the Notice in Form 7. The signatures of the two enumerators must not be affixed until after all the other entries relating to any individual elector have been made on the said notice. The enumerators will arrange between themselves which of them is to make the entries in the record books.

Mode of
recording
information.

(2) The address of each elector must be clearly indicated in the record books. For buildings and apartment houses in which there is more than one dwelling place, the enumerators will not only record the street number of the building but also the exact number of the apartment in each case. It is most

Address
with
number of
apartment.

important that the correct number of each apartment be given in the preliminary list, since the Statute prescribes that a printed copy of such list has to be mailed by the returning officer to various electors. The enumerators, therefore, will make sure that an exact address is given for each elector.

How details
relating to
women are
recorded.

(3) As indicated in the specimen list (Form 103 or 156), the enumerators will register a married woman or widow under the Christian name and family name of her husband or deceased husband, or under her own Christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she will be registered on the preliminary list under whatever Christian name and family name that such woman is known in the polling division. The names of the above-mentioned women on the preliminary list will be prefixed with the abbreviation "Mrs." The name of an unmarried woman will be prefixed with the word "Miss". The Statute prescribes that when the name of a woman is entered on the preliminary list immediately below her husband's name, no occupation will be given opposite such woman's name. Therefore, the enumerators need not enter the occupation of a woman in the record book (Form 7) unless it is impossible, for some reason, to place her name on the preliminary list immediately below her husband's.

Young
persons.

(4) The names of young persons who have not yet reached the full age of twenty-one years but who will attain such age on or before polling day at the by-election, will be registered in the usual manner, if they are otherwise qualified as electors.

Delivery of
Notice in
Form 7 to
each elector.

(5) The enumerators must leave at the dwelling place of every elector registered by them a Notice in Form 7 showing that they will include the name, address, and occupation of such elector in their preliminary list. The notice must be signed by both enumerators before it is detached from the record book. Each record book is so arranged that three copies of the notice will be made at the same time, the writing (but not the printed matter) on each being identical; nevertheless, the enumerators will make sure that the three copies are always complete. Upon the completion of an entry, the first detachable page (Sheet A) will, as indicated thereon, be detached from the record book and handed to the person at the dwelling place from whom the information as to the qualified electors residing therein has been obtained. The second detachable page (Sheet B), which is printed in red, will not be removed from the record book until after the whole enumeration has been completed. In the case of an enumeration completed on information secured elsewhere than at the dwelling place of the elector, the enumerators' notice (Sheet A) will be left in the mail box of the dwelling place to which it relates or so dealt with as to come to the attention of the elector concerned.

When
enumerators
disagree.

(6) When the enumerators disagree as to the qualification of any person to be registered as an elector, they must postpone their decision, report to the returning officer, and be governed by whatever direction they receive from him.

4. QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS AT A BY-ELECTION

9. Qualifications.—(1) The general rule as to the qualifications of electors at a by-election, which is subject to certain exceptions specified in paragraphs 10 to 14, is that every person, man or woman, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering the by-election in the electoral district, and is entitled to vote in such polling division, if he or she

General rule as to qualifications of electors.

- (a) is of the full age of twenty-one years or will attain such age on or before polling day at such by-election;
- (b) is a Canadian citizen or other British subject;
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such by-election; and
- (d) has continued to be ordinarily resident in the electoral district until polling day at such by-election.

(2) A Canadian Forces elector is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as shown on the statement made by him under paragraph 22 of *The Canadian Forces Voting Regulations* and as recorded in the headquarters of the Canadian Forces. (The expression "Canadian Forces elector" means a person who has attained the full age of twenty-one years, who is a Canadian citizen or other British subject, and who is a member of the regular, reserve, or active service forces of the Canadian Forces. In addition, any member of the Canadian Forces who, on or subsequent to the 9th day of September, 1950, served on active service in such Forces and who, at a by-election, has not attained the full age of twenty-one years, is deemed to be a Canadian Forces elector.)

Qualifications of Canadian Forces electors.

(3) A person who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, and has been discharged from such Forces, and who is receiving treatment or domiciliary care under the jurisdiction of the Department of Veterans Affairs, in any hospital or institution, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence at the time of such by-election.

Qualifications of veteran electors.

(4) A person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote at a by-election in such polling division, if such person is otherwise qualified as an elector.

Qualification of veteran under 21 years of age.

(5) A woman who is the wife of an Indian, as defined in clause (c) of paragraph 10, who was a member of His Majesty's Forces during World War I or World War II, or was a member

Qualification of wife of Indian veteran.

of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote at a by-election in such polling division, if such a woman is otherwise qualified as an elector.

Disqualified persons.

10. Disqualifications.—There are certain classes of persons who, although qualified as electors under the general rule referred to in subparagraph (1) of paragraph 9, are not entitled to be registered as electors nor to vote at a by-election; thus no person is entitled to be registered as an elector or to vote who

Returning officer.

(a) is the returning officer for the electoral district, except when there is an equality of votes on the official addition or on a recount, as provided in the Statute;

Judge.

(b) is a judge appointed by the Governor in Council;

Indian.

(c) except in the case of a person mentioned in subparagraph (5) of paragraph 9, is an Indian, as defined in the *Indian Act*, ordinarily resident on a reserve,* unless

(i) he was a member of His Majesty's Forces during World War I or World II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or

(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election.

(According to the definition given in the *Indian Act*, the term "Indian" means a person who is registered as an Indian or is entitled to be registered as an Indian.)

Inmate of penal institution.
Mental disease.

(d) is undergoing punishment as an inmate in any penal institution for the commission of an offence;

(e) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease;

Election offences.

(f) is disqualified from voting under any law relating to the disqualification of electors for corrupt or illegal practices;**

Summer resident.

(g) is occupying residential quarters that are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive;

Inmate of lodgings, hostels, refuges, etc.

(h) is staying in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless such person has been in continuous residence in

* If an Indian does not reside on a reserve, his right to vote is to be determined in the same manner as any other person who is not an Indian.

** Disqualification by reason of illegal or corrupt practices need not concern the enumerators unless they happen to know that the person in question has been convicted of an offence in connection with an election and disqualified from voting by the Court.

such lodgings, hostels, refuges or similar institutions, for at least ten days immediately preceding the date of the issue of the writ ordering the by-election;

- (i) has come to the electoral district for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ ordering the by-election; Person temporarily engaged in a public work.
- (j) is the wife or dependant of a person mentioned in the preceding clause (i) who has come to the electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, unless such wife or dependant has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ ordering the by-election; and Wife or dependant of person temporarily engaged in a public work.
- (k) is employed for pay or reward on behalf of a candidate in connection with the by-election.* Paid election worker.

5. ORDINARY RESIDENCE OF ELECTORS

11. What does "ordinarily resident" mean generally.— Definition of ordinary residence.

(1) There is often difficulty in determining where a person can fairly be said to be "ordinarily resident" at any given time or during any given period. In deciding whether a person has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the by-election, whether he was ordinarily resident in the polling division on the date of the issue of the writ ordering the by-election, or whether he has continued to be ordinarily resident in the electoral district from the issue of such writ onward, the enumerators will be guided by the relevant directions of these Instructions. A person may in general be said to be ordinarily resident at the place where he sleeps, but this may not be so if there is some other place which is his real place of ordinary residence or home, for instance, an establishment which he permanently maintains as his residential quarters or at which his wife or children ordinarily reside or, in the case of a young man or woman, with his or her parents. For the purpose of his qualification as an elector, everyone is entitled to be treated as ordinarily resident at his home even during the time he is absent therefrom for any temporary purpose, though if he has no real home or if, in spite of his having one, he makes his residential quarters elsewhere for any substantial length of time, he is entitled to be treated as an ordinary resident of the place where his temporary residential quarters are. In reaching a decision in any given case, the

* The disqualification by reason of employment for pay or reward in effect applies to any person employed on behalf of a candidate in connection with the by-election unless such person comes under the exceptions mentioned in the Statute. Generally, the enumerators need not concern themselves about this disqualification since they are not expected to be familiar enough with the facts to justify the omission from their preliminary list of the name of any elector who does not come under the said exceptions.

enumerators must be guided by their best judgment on all the relevant facts, including in their preliminary list as a general rule the name of any person who was lodging in their polling division on the date of the issue of the writ ordering the by-election otherwise than merely as a transient or summer resident, but excluding from such list the name of any person who, although then lodging in such polling division, was really ordinarily resident elsewhere.

Ordinary
residence
of students.

(2) A student who is absent from home while attending a university or other educational institution and who spends most of his holidays at his parents' dwelling place and, in addition, returns thereto at every other opportunity, does not cease to ordinarily reside in the polling division in which such dwelling place is situated. Such student, if otherwise qualified as an elector, is entitled to have his name included in the list of electors prepared for the polling division in which his parents' dwelling place is situated and is entitled to vote at a by-election in such polling division, as though he had been continuously residing therein. For this purpose, it is immaterial whether the student was at home or at the educational institution on the date upon which the writ ordering the by-election was issued.

Residence of
members of
the Canadian
Forces.

12. Members of the Canadian Forces.—The Statute prescribes that a Canadian Forces elector is deemed to continue to ordinarily reside in the polling division in which is situated the place of his ordinary residence as shown on the statement made by him under paragraph 22 of *The Canadian Forces Voting Regulations* and as recorded in the headquarters of the Canadian Forces. Therefore, such person is entitled to have his name included in the list of electors prepared for such polling division in connection with the by-election, no matter how long he may have been absent from such polling division while on service in the Canadian Forces.

Patients, etc.,
in ordinary
hospitals.

13. (A) Patients, etc., in Ordinary Hospitals.—In an ordinary (acute) hospital, the average stay of patients being ten days, enumerators should bear in mind that such patients are not entitled to have their names included in the list of electors prepared for the polling division in which such hospital is situated. Therefore, in an ordinary hospital, the only persons who are entitled to have their names included in the list of electors prepared for the polling division in which such hospital is situated and who are entitled to vote at a by-election in such polling division, are the permanent patients or inmates and the members of the permanent staff who are ordinarily and continuously residing in such hospital, if such persons are otherwise qualified as electors.

Persons
residing in a
sanatorium,
etc.

(B) Persons Residing in a Sanatorium, etc.—A person is deemed to be ordinarily resident, on the date of the issue of the writ ordering a by-election in the electoral district, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ; therefore, such person is entitled to have his name included in the

list of electors prepared for the polling division in which such sanatorium, chronic hospital, or similiar institution is situated and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.

14. Unmarried Teachers.—No hard and fast rules can be applied to an unmarried teacher who keeps continuously in touch with the home of her parents during the period she is teaching school in another electoral district. For instance, take the case of an unmarried teacher whose parents' home is in the City of St. Thomas, but who teaches school in the City of Oshawa; if such a teacher spends most of her holidays at her parents' home, and, in addition, returns thereto at every other opportunity, she can reasonably maintain that she has not ceased to ordinarily reside with her parents. Therefore, in the event of a by-election being held in the electoral district where the City of St. Thomas is situated, there should be no objection raised to such a teacher being registered on the list of electors, and to her voting in the polling division of the City of St. Thomas where the home of her parents is situated, if she is otherwise qualified as an elector. On the other hand, such a teacher can also reasonably maintain that she is ordinarily residing in the polling division of the City of Oshawa where her place of residence while teaching school is situated. Therefore, in the event of a by-election being held in the electoral district where the City of Oshawa is situated, there should be no objection raised to such a teacher being registered on the list of electors, and to her voting in the polling division of the City of Oshawa where the place of her residence while teaching school is situated. What is stated above might appear to apply only to female unmarried teachers, but it applies equally to unmarried teachers of the opposite sex.

Residence
qualifications
of unmarried
teachers.

6. COMPLETION OF PRELIMINARY GEOGRAPHICAL LISTS

15. Geographical Arrangement of Names.—(1) Unless otherwise specially instructed by the returning officer,* the preliminary list for an urban polling division must be arranged in geographical order, that is, by streets, roads, or avenues, according to the specimen urban preliminary geographical list (Form 103) referred to in paragraph 16 (1).

Urban lists
arranged
geographi-
cally in
most cases.

(2) The enumerators' record books (Form 7) are so arranged that the first two pages (Sheets A and B), containing the name, address, and occupation of each elector registered by the enumerators, can be detached. As stated in paragraph 8 (5), the first detachable page (Sheet A) must be taken out of the record book and left at the dwelling place of the elector concerned, immediately after it has been completed. The second detachable page (Sheet B), which is printed in red, will not be removed from the record book until after the enumerators have completed their enumeration. The day for its completion is Thursday, the 32nd day before polling day, when the enumerators will cease

Disposal of
detachable
pages of
record books.

* For an urban polling division wholly composed of an institution, or comprised in a place in which the territory is not designated by streets, roads, or avenues, or in which the residences of the electors are not designated by street, road, or avenue numbers, the returning officer will instruct the enumerators to prepare their preliminary list in alphabetical order as shown on the specimen list (Form 156) and as directed in paragraphs 17 and 18.

their inquiries and take the necessary steps towards the preparation of a geographically arranged list of the electors whose names they have entered in their record books. The second detachable pages (Sheets B) are provided to facilitate the preparation of such list.

Sheets B
grouped
street by
street.

(3) When the time comes for the geographical arrangement of names of electors, the enumerators will remove from their record books all the second detachable pages (Sheets B) above mentioned, and, after checking the books and satisfying themselves that no detachable page (Sheet B) remains therein, they will arrange these pages in geographical order according to the street, road, or avenue whereon reside the various electors whose names are to appear on the preliminary list. When this has been done, the numbers of each street, road, or avenue will be arranged from lowest to highest. The enumerators will then fasten, in groups, street by street, these detachable pages (Sheets B) for subsequent transcription in their draft list, as directed in paragraph 16 (4).

Warning
against
errors.

(4) Since the enumerators have agreed to include in their preliminary list the names, etc., of all the electors appearing in their record books, and have notified such electors accordingly, it is most important that none of the second detachable pages (Sheets B) be lost or mislaid or left in the record books. If any names are omitted from the preliminary geographical list through the carelessness of the enumerators, they are responsible and liable to penalties.

Draft list
prepared
according to
specimen.

16. Preparation of Draft Geographical List.—(1) After the completion of the requirements set out in paragraph 15, each pair of enumerators will proceed to prepare a draft preliminary geographical list for their polling division, using the large sheets (Form 8) for that purpose. Two copies of a specimen urban preliminary geographical list (Form 103) will be furnished to each pair of enumerators for their guidance in preparing this draft list. Urban enumerators are requested to follow this specimen list as closely as possible in arranging geographically the names of electors on their draft list.

Description
of
boundaries.

(2) The first step to be taken by the enumerators in the preparation of their draft geographical list is to insert the exact description of the boundaries of their polling division, referred to in paragraph 5 (4), in the space provided for that purpose in the heading of the first large sheet (Form 8) used in the preparation of such draft list.

Entries of
names, etc.

(3) The names, addresses, and occupations of the electors appearing on the detachable pages (Sheets B), grouped street by street, as directed in paragraph 15 (3), will be inserted in the draft geographical list as shown on the specimen list (Form 103).

Streets
arranged in
alphabetical
order.

(4) The various streets, roads, or avenues given as the addresses of the electors in each group of detachable pages (Sheets B) will appear in alphabetical order on the draft geographical list, that is to say, the names of the electors on Fairmont street will be placed on such draft list before those on Granville avenue, and so on.

(5) Urban enumerators will note that on the large sheets (Form 8) and on the specimen list (Form 103), there is a column headed "Consecutive number". Each pair of enumerators will see that a correct consecutive number is given in such column opposite the name of every elector entered on their draft geographical list. To be sure of this, the enumerators will go over the column of consecutive numbers on such draft list until they are both satisfied that it is absolutely correct. The consecutive number given to the last name of elector entered on the draft list should indicate the correct total number of names of electors registered on the preliminary list for the polling division.

Consecutive number for each elector.

(6) When the steps mentioned in every subparagraph of this paragraph have been taken, the enumerators will check every entry in their draft geographical list against the undetachable pages (Sheets C) of the record books, in order to be absolutely certain that in preparing such draft list none of the names of the electors recorded during their enumeration have been omitted. Special care will be exercised by the enumerators in the preparation of such draft list, since it constitutes the complete preliminary list for their polling division and will be used to prepare the necessary number of copies thereof, as directed in paragraph 19.

Final checking up, etc.

7. COMPLETION OF PRELIMINARY ALPHABETICAL LISTS

17. Alphabetical Arrangement of Names.—(1) Whenever specially instructed by the returning officer, the preliminary list for an urban polling division wholly composed of an institution, or comprised in a place in which the territory is not designated by streets, roads, or avenues, or in which the residences of the electors are not designated by street, road, or avenue numbers, will be arranged in alphabetical order according to the initial letter of the family names of the electors, as shown on the specimen urban preliminary alphabetical list (Form 156) supplied for the guidance of enumerators in preparing their preliminary alphabetical list.

Urban lists arranged alphabetically in certain cases.

(2) The enumerators' record books (Form 7) are so arranged that the first two pages (Sheets A and B), containing the name, address, and occupation of each elector registered by the enumerators, can be detached. As stated in paragraph 8 (5), the first detachable page (Sheet A) must be taken out of the record book and left at the dwelling place of the elector concerned, immediately after it has been completed. The second detachable page (Sheet B), which is printed in red, will not be removed from the record book until after the enumerators have completed their enumeration. The day for its completion is Thursday, the 32nd day before polling day, when the enumerators will cease their inquiries and take the necessary steps towards the preparation of an alphabetically arranged list of the electors whose names they have entered in their record books. The second detachable pages (Sheets B) are provided to facilitate the preparation of such list.

Disposal of detachable pages of record books.

(3) When the time comes for the alphabetical arrangement of names of electors, the enumerators will remove from their record books all the second detachable pages (Sheets B) above mentioned, and, after checking the books and satisfying themselves that no detachable page (Sheet B) remains therein, they

Sheets B grouped according to the family names of electors.

will arrange these pages in alphabetical order according to the initial letter of the family names of the electors and fasten them in groups, each group representing a letter of the alphabet. The enumerators are not expected to arrange their preliminary list in strictly alphabetical order such as that followed in the case of a telephone directory. What they are required to do is to place together all the names of the electors enumerated in their polling division whose initial letter of their family names is "A". These will be followed by the names of the electors whose initial letter of their family names is "B", and so on, throughout the alphabet, as indicated in the specimen list (Form 156).

Warning
against
errors.

(4) Since the enumerators have agreed to include in their preliminary list the names, etc., of all the electors appearing in their record books, and have notified such electors accordingly, it is most important that none of the second detachable pages (Sheets B) be lost or mislaid or left in the record books. If any names are omitted from the preliminary alphabetical list through the carelessness of the enumerators, they are responsible and liable to penalties.

Draft list
prepared ac-
cording to
specimen.

18. Preparation of Draft Alphabetical List.—(1) After the completion of the requirements set out in paragraph 17, each pair of enumerators will proceed to prepare a draft preliminary alphabetical list for their polling division, using the large sheets (Form 161) for that purpose, and following closely the specimen list (Form 156).

Description
of
boundaries.

(2) The first step to be taken by the enumerators in the preparation of their draft alphabetical list is to insert the exact description of the boundaries of their polling division, referred to in paragraph 5(4), in the space provided for that purpose in the heading of the first large sheet (Form 161) used in the preparation of such draft list.

Entries of
names, etc.

(3) The names, addresses, and occupations of the electors appearing on the detachable pages (Sheets B), grouped under the various letters of the alphabet, as directed in paragraph 17(3), will be inserted in the draft alphabetical list as shown on the specimen list (Form 156).

Consecutive
number for
each
elector.

(4) Urban enumerators will note that on the large sheets (Form 161) and on the specimen list (Form 156), there is a column headed "Consecutive number". Each pair of enumerators will see that a correct consecutive number is given in such column opposite the name of every elector entered on their draft alphabetical list. To be sure of this, the enumerators will go over the column of consecutive numbers on such draft list until they are both satisfied that it is absolutely correct. The consecutive number given to the last name of elector entered on the draft list should indicate the correct total number of names of electors registered on the preliminary list for the polling division.

Final
checking
up, etc.

(5) When the steps mentioned in every subparagraph of this paragraph have been taken, the enumerators will check every entry in their draft alphabetical list against the undetachable pages (Sheets C) of the record books, in order to be absolutely

certain that in preparing such draft list none of the names of the electors recorded during their enumeration, have been omitted. Special care will be exercised by the enumerators in the preparation of such draft list, since it constitutes the complete preliminary list for their polling division and will be used to prepare the necessary number of copies thereof, as directed in the next following paragraph.

8. FINAL DUTIES

19. Preparation of Copies of List.—When the draft geographical or alphabetical list has been carefully checked, as directed in either paragraph 16(6) or 18(5), each pair of enumerators will prepare or have prepared on the large sheets (Form 8 or 161), from such draft list, three copies of the preliminary list for their polling division. In addition to these three copies, each enumerator, if he so desires, may prepare a copy for delivery to the candidate by whom he was nominated, but the enumerator will not receive any fees for the extra copy of the list thus prepared. Furthermore, if the number of large sheets (Form 8 or 161) supplied by the returning officer is not sufficient, the enumerator will have to use plain paper provided by himself to make this extra copy. There should not be any difficulty in having the copies of the preliminary list typewritten. The large sheets (Form 8 or 161) can be used on an ordinary typewriter when three copies can be made at the same time with the use of carbon paper. The enumerators will carefully compare the typewritten list with the draft list. On the last page of each of the three copies of their preliminary list, each pair of enumerators will severally subscribe to the oath in Form 9. This oath, which is printed at the foot of the large sheets (Form 8 or 161), may be subscribed before the returning officer, the election clerk, any justice of the peace, any magistrate, any notary public, any commissioner for taking affidavits in the province, or any postmaster. Any portion of the last page of each copy of the preliminary list which has not been filled in will be scored out by drawing a diagonal line through the unused portion of the page.

Making
copies of
list.

20. Delivery and Posting up of Lists.—The preparation of the necessary number of copies of the preliminary list must be quickly completed by each pair of enumerators and two typewritten copies delivered or transmitted to the returning officer not later than Friday, the 31st day before polling day. With these two copies of the list, each pair of enumerators will deliver or transmit to the returning officer the used record books, the pages which have been detached for the preparation of their draft list, such detached pages (Sheets B) still grouped and fastened together, as directed in paragraph 15 (3) or 17 (3), together with the unused supplies, the special badges, and the account for their services. For the transmission of these documents, etc., to the returning officer, the enumerators will use the large cardboard envelope (Form 126) in which they received their supplies. On the same day that the above-mentioned documents are transmitted to the returning officer, each pair of enumerators will post up one copy of their preliminary list in

Disposal
of lists.

a conspicuous place within their polling division to which the public has access. For the posting up of such preliminary list, the enumerators will place it in the cardboard cover (Form 163) provided for its protection while posted up. The enumerators will make sure that a sufficient number of large tacks are nailed at the top to keep the cardboard cover and the preliminary list in position in any kind of weather. Before such posting up, the enumerators will insert, in the space provided for that purpose on the cardboard cover, the name of the electoral district and the number of the polling division. The Statute prescribes that lists of electors to be posted up may, notwithstanding any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks to any post or wooden fence. Immediately after polling day, it is the duty of each pair of urban enumerators to take down and destroy the preliminary list posted up in connection with their enumeration. After each federal election, many complaints are received to the effect that preliminary lists posted up by enumerators are not taken down for several days or weeks after polling day. Each pair of enumerators is therefore specially requested to make sure that their preliminary list is taken down and destroyed immediately after polling day.

Accounts for
services.

21. Urban Enumerators' Account.—Each pair of enumerators will prepare on the appropriate form (Form 109) an account for their respective services, only one copy of such form being used for the account of each pair of enumerators. Each of the two enumerators is entitled to an allowance of ten cents for the name of each elector properly included in the preliminary list, with a minimum allowance of \$25. This means that if the number of names of electors properly included in the preliminary list is less than 250, each enumerator will be entitled to receive the said minimum allowance of \$25. The allowance covers all services of the enumerator, including his house-to-house visits, issuing notices of enumeration (Sheets A), issuing notification cards (Form 99), arranging the names of the electors in geographical or alphabetical order, preparing the draft list, preparing and attesting three copies of the preliminary list, posting up one of these three copies and delivering the other two and the record books, etc., to the returning officer, and the taking down, after polling day, of the preliminary list posted up. The enumerators will observe that the account (Form 109) has to be certified by the returning officer who is directed by the Statute not to certify the account of any pair of enumerators whose preliminary list appears to be incomplete or to contain the names of persons who are not qualified as electors in the polling division for which they have been appointed. The enumerators will bear in mind that no cheque in payment of their fees will be issued until after the sittings of the revising officer whose duty it is to inform the Chief Electoral Officer if any list appears to be incomplete or padded with names of disqualified or fictitious persons. Urban enumerators are not entitled to travelling allowances.

9. LIST OF SUPPLIES No. TWO

Forms, etc., for use by Urban Enumerators

(To be distributed by the returning officer)

Form No.	Description	Number to be distributed to each pair of enumerators	Paragraph wherein referred
Book I	Urban Enumerators' Manual.....	2	3(3)
Book J	Instructions for Urban Enumerators.....	2	1, 3(3)
7	Urban enumerators' record book.....	Various	8, 15 or 17
8	Sheets for making copies of preliminary geographical list.*	Various	16, 19
99	Notification card.....	Various	6(2)
103	Specimen urban preliminary geographical list*.....	2	8(3), 15, 16
109	Urban enumerators' account.....	1	21
156	Specimen urban preliminary alphabetical list**.....	2	8(3), 17, 18
161	Sheets for making copies of preliminary alphabetical list.**	Various	18, 19
163	Cardboard cover for posting up preliminary list.....	1	20
—	Urban enumerator's badge.....	2	5(3), 20

*This form will not be furnished to enumerators whose preliminary list has to be prepared in alphabetical order.

**This form will not be furnished to enumerators whose preliminary list has to be prepared in geographical order.

10. STATEMENT RELATING TO CANADIAN CITIZENS AND BRITISH SUBJECTS*

Canadian Citizens

22. Canadian citizens may be divided into two classes—natural-born and other than natural-born. The natural-born may be divided into two sub-divisions:

Natural-born
Canadian
citizen
before
January 1,
1947.

1. A person born before the commencement of the Canadian Citizenship Act (January 1, 1947) is a natural-born Canadian citizen—

- (a) If he was born in Canada or on a Canadian ship (including airship) and was not an alien on the 1st day of January, 1947;
- (b) If he was born outside of Canada elsewhere than on a Canadian ship and was not, on the 1st day of January, 1947, an alien and either was a minor on that date or had, before that date, been lawfully admitted to Canada for permanent residence and his father (or the mother in the case of a person born out of wedlock)—
 - (i) was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth, or
 - (ii) was, at the time of that person's birth, a British subject who had Canadian domicile, or
 - (iii) was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or
 - (iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation.

(NOTE: Canadian domicile, for the purposes of (ii), is Canadian domicile within the meaning of the Immigration Act, and the father would be required to prove, in effect, that he was in possession of Canadian domicile at the time of his child's birth.)

Declaration
of
retention.

A person who is a Canadian citizen under paragraph (b), and was a minor on the 1st day of January, 1947, ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years unless he—

- (a) has his place of domicile in Canada at such date; or
- (b) has, before such date and after attaining the age of twenty-one years, filed, with a representative of the Government of Canada, or with the Registrar of Canadian Citizenship, a declaration of retention of Canadian citizenship.

Natural-born
Canadian
citizen on
or after
January 1,
1947.

2. A person, born after the 31st day of December, 1946, is a natural-born Canadian citizen—

- (a) If he is born in Canada or on a Canadian ship;

* The laws relating to Canadian citizenship and British nationality are somewhat involved; therefore, in case of doubt on any matter of citizenship or nationality, the question should be referred to the Registrar of Canadian Citizenship, Department of Citizenship and Immigration, Ottawa.

- (b) If he is born outside of Canada elsewhere than on a Canadian ship and his father (or the mother, in the case of a person born out of wedlock), at the time of that person's birth, is a Canadian citizen, and the fact of the birth is registered (by the father, the mother, or the legal guardian of the child) with a representative of the Government of Canada (ultimately it reaches the Registrar of Canadian Citizenship), within two years after its occurrence, or within such extended period as the Minister of Citizenship and Immigration may authorize in special cases.

NOTE: Paragraph 2(a) does not apply to a person if, at the time of that person's birth, his responsible parent—

Children
born in
Canada of
Diplomatic
Representatives.

- (a) is an alien who has not been lawfully admitted to Canada for permanent residence; and
(b) is

- (i) a foreign diplomatic or consular officer or a representative of a foreign government accredited to Her Majesty,
(ii) an employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or
(iii) an employee in the service of a person referred to in subparagraph (i).

NOTE: A person who is a Canadian citizen as described in 2(b) ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years unless he complies with precisely the same conditions as those set out in paragraphs (a) and (b) of the latter part of 1.

Declaration
of
retention.

NOTE: A person who has ceased to be a Canadian citizen by failure to establish a place of domicile in Canada, or to file a declaration of retention may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister of Citizenship and Immigration, be deemed to have resumed Canadian citizenship as of the date of such approval, or as of such other earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

Petition
for
resumption
of Canadian
citizenship.

Canadian citizens other than natural-born

A person other than a natural-born Canadian citizen is a Canadian citizen, if—

Other than
natural-
born
Canadian
citizen.

- (a) that person was granted, or the name of that person was included in, a certificate of naturalization, and was not an alien on the 1st day of January, 1947, or
(b) that person, immediately before the 1st day of January, 1947, was a British subject who had Canadian domicile, or
(c) that person was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation, or

- (d) that person, being a woman other than a woman who comes within paragraph (a), (b) or (c),
- (i) before the 1st day of January, 1947, was married to a man who, if the Canadian Citizenship Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen, or a Canadian citizen as provided in (a), (b) or (c) immediately above, and
 - (ii) on the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence.

NOTE: With respect to (b), immediately above, "Canadian domicile" means a residence of five years' residence in Canada after the date of admission for permanent residence, as required under the Canadian Immigration Act.

NOTE: A British subject who does not come within the category of (b), (c) or (d) does not acquire Canadian citizenship unless he qualifies for and is granted a certificate of Canadian citizenship.

NOTE: The foregoing, "Canadian citizens other than natural-born", is transitional, having to do with the status of persons at the commencement of the Canadian Citizenship Act on January 1, 1947.

British Subjects

Status of
British
subjects.

The Statute prescribes that a Canadian citizen is a British subject; but a person may be a British subject and not a Canadian citizen.

1. *Who are British Subjects?*

Dealing with the question in the most general terms, a person is a British subject by birth, by naturalization, or, in the case of a woman, by marriage to a British subject prior to the 1st January, 1949. If the marriage has taken place since the 1st January, 1949, the alien woman has not become a British subject merely by the fact of marriage.

NOTE: Under Canadian law, an alien woman who marries a Canadian citizen after January 1, 1947, becomes neither a British subject nor a Canadian citizen. However, under the naturalization laws of the United Kingdom, the period during which an alien woman could become a British subject on marriage continued until their new Act came into force on January 1, 1949. There is a provision in the Canadian Statute which recognizes this fact; therefore, it may be said generally that up to January 1, 1949, the alien woman who married a British subject automatically acquired British nationality.

2. *Acquisition of British Nationality*

How British
nationality
is acquired.

Every person has, in Canada, the status of a British subject who—

- (a) was born in any country of the British Commonwealth, or on a British ship, or on a Canadian ship or aircraft, regardless of the nationality of his or her parents, or

- (b) was born elsewhere of a father who, at the time of the child's birth, was a British subject, or
- (c) has been personally granted a certificate of naturalization under any statute of Canada, or under a naturalization act in any other country of the British Commonwealth, or
- (d) has had his or her name included in a certificate of naturalization granted to a parent under the Canadian Naturalization Act, 1914, and subsequent acts up to 1947, or in a certificate granted to a parent in any other country of the British Commonwealth, or
- (e) is the child of a person naturalized in Canada before January 1, 1915, and was a minor and resident in Canada at the time of the naturalization of the parents, or was a minor and resident in Canada before January 1, 1915, or
- (f) is the wife of a man who was an alien at the time of the marriage but later, during the marriage and before January 15, 1932, became a naturalized British subject, or
- (g) is a woman who between January 15, 1932, and January 1, 1947, and following the naturalization of her alien husband, filed with the Naturalization Branch a declaration of her desire to acquire British nationality. A woman in this category would be in possession of her own certificate of naturalization as a British subject.

3. *Commonwealth Countries*

A person who has acquired the status of a British subject by birth or naturalization under the laws of any country of the British Commonwealth to which he was subject at the time of his birth or naturalization is recognized in Canada as a British subject. These British Commonwealth countries are—

List of
Common-
wealth
Countries.

Australia
Canada
Ceylon
India
New Zealand
Pakistan
Southern Rhodesia
Union of South Africa
United Kingdom.

4. *Special Status of Citizens of the Republic of Ireland*

Although the Republic of Ireland is not now a Commonwealth country, and although its citizens are not British subjects, nevertheless its citizens are given, in Canada, the same consideration as British subjects. The Statute reads—

“Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject.”

General Definitions

Definitions. 1. "Alien" means a person who is not a Canadian citizen, Commonwealth citizen, British subject, or citizen of the Republic of Ireland.

2. "Foreign", as applied to a country, a government, or a nationality, does not include a Commonwealth country, or the Republic of Ireland.

Loss of Canadian Citizenship and British Nationality

How Canadian citizenship and British nationality are lost.

1. A person who ceases to be a Canadian citizen also ceases to be a British subject unless, under the laws of a Commonwealth country, he has the status of a British subject following his loss of Canadian citizenship.

2. *Loss of Canadian Citizenship*

Canadian citizenship is lost by—

(a) a Canadian citizen who, when outside of Canada, and not under a disability (a minor, a lunatic, or an idiot), by a voluntary act other than marriage acquires the nationality or citizenship of a country other than Canada.

NOTE: This does not apply where the nationality or citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case the Minister of Citizenship and Immigration may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen. The purpose of this is to hold the person, if deemed necessary, to his obligations as a Canadian citizen.

(b) a Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada. This does not apply if the Canadian citizen became a national or citizen of such country when it was at war with Canada.

(c) a Canadian citizen who, when in Canada, and not under disability, acquires the nationality or citizenship of a foreign country by any voluntary act other than marriage. This, however, is not automatic loss; in such cases, the Governor in Council may, in his discretion, order that such a person shall cease to be a Canadian citizen.

(d) a Canadian citizen (other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and has been honorably discharged therefrom) who resides outside of Canada for a period of at least ten consecutive years without having maintained some substantial connection with Canada, as set out in the Statute.

NOTE: This is automatic loss of citizenship, but the period of absence may, upon application, be extended beyond ten years, for good and sufficient cause, in accordance with the Citizenship Regulations.

The section of the Canadian Citizenship Act governing automatic loss after an absence of ten years is new; that is, there was not a similar provision under the Naturalization Act. Therefore, this section is effective only from January 1, 1947, and will not come into operation until January 1, 1957, ten years from the date of the coming into force of the Canadian Citizenship Act.

A person who has ceased to be a Canadian citizen after a residence of ten consecutive years outside of Canada may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister of Citizenship and Immigration, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

Resumption
with
approval of
Minister.

Loss of Citizenship by Revocation

(Applicable only to naturalized persons)

The citizenship of a Canadian citizen, other than a natural-born Canadian citizen, may be revoked by the Governor in Council for such reasons as trading or communicating with an enemy country during time of war; disaffection or disloyalty whilst out of Canada, or, whilst in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty; obtaining a certificate of naturalization or Canadian citizenship by false representation or fraud; residence outside of Canada for not less than six years (without maintenance of substantial connection) since becoming a Canadian citizen or being naturalized in Canada; residence for not less than two years in a foreign country of which he was a national or citizen at any time prior to his becoming a Canadian citizen or being naturalized in Canada, and has not maintained substantial connection with Canada.

Loss to
naturalized
persons by
revocation.

Loss by Revocation

(Applicable to both natural-born and naturalized persons)

The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister of Citizenship and Immigration, he is satisfied that such person has, when not under a disability—

Loss to
natural-born
and natural-
ized persons
by
revocation.

- (a) taken or made an oath, affirmation, or other declaration of allegiance to a foreign country;
- (b) made a declaration renouncing his Canadian citizenship.

Loss in Relation to Women

A British subject woman who married an alien before January 1, 1947, and upon marriage acquired her husband's alien nationality, ceased to be a British subject. If the husband was a British subject who became an alien during the course of the marriage, and prior to January 1, 1947, his wife became an alien if she acquired her husband's nationality.

Loss to
women in
any manner.

NOTE: Persons in the above category were automatically restored to British nationality by the British Nationality Act, 1948.

In the case of a marriage subsequent to January 1, 1947, the woman, being a Canadian citizen, does not lose the status of a Canadian citizen and a British subject, unless, having on marriage acquired her husband's nationality, she makes a declaration renouncing her Canadian citizenship (equivalent, for this purpose, to British nationality).

NOTE: The foreign countries, under the laws of which a woman does not acquire the citizenship of such countries on marriage, are—

Argentina	Morocco
Brazil	Palestine
Chile	Panama
Colombia	Paraguay
Ecuador	United States of America
Guatemala	Uruguay.

